



Attorney Docket No. 034459-003 Patent *SPW*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Maria DALKO et al.

Application No.: 10/076,418

Filing Date: February 19, 2002

**MAIL STOP AMENDMENT**

Group Art Unit: 1651

Examiner: Ruth A. Davis

Confirmation No.: 9294

Title: COMPOSITION COMPRISING VITAMIN C PREPARED DURING APPLICATION, USE OF ENZYMES FOR FORMING VITAMIN C FOR TOPICAL USE, AND A COSMETIC TREATMENT METHOD

**THIRD  
INFORMATION DISCLOSURE STATEMENT  
TRANSMITTAL LETTER**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Enclosed is a THIRD Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- No additional fee for submission of an IDS is required.
- The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- Charge \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
- A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL PC

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
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Date: January 11, 2006

By Mary Katherine Baumeister  
Mary Katherine Baumeister  
Registration No. 26,254



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of ) **MAIL STOP AMENDMENT**  
Maria DALKO et al. )  
Application No.: 10/076,418 ) Group Art Unit: 1651  
Filed: February 19, 2002 ) Examiner: Ruth A. Davis  
For: COMPOSITION COMPRISING )  
VITAMIN C PREPARED DURING )  
APPLICATION, USE OF ENZYMES )  
FOR FORMING VITAMIN C FOR )  
TOPICAL USE, AND A COSMETIC )  
TREATMENT METHOD ) Confirmation No.: 9294

## THIRD INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98. Applicants request consideration of the documents listed on the accompanying Form PTO-1449, which have been cited during examination of the corresponding application in Japan.

Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

The following remarks are offered regarding the documents which are not in English.

JP 7-96166 is in Japanese. A machine-made English translation is provided.

JP 8-133925 is in Japanese. Corresponding DeSalvert et al., U. S. Patent No. 5,788,972, is cited to serve as an English translation and was previously drawn to the Examiner's attention.

JP 64-34293 is in Japanese. Corresponding Yin et al., U. S. Patent No. 4,935,359, is cited to serve as an English translation. An English-language abstract is also enclosed.

JP 6-46870 is in Japanese. WO 93/19192 is cited to serve as an English translation. A patent family search and an English abstract are provided as well. JP 6-46870 was filed as the national stage of the PCT application published as WO93/19192.

JP 61-500201 is in Japanese. WO 85/01745 is cited to serve as an English translation. A patent family search and an English abstract are also provided.

JP 61-500201 was filed as the national phase of the PCT application which was published as WO 85/01745.

**THIRD** Information Disclosure Statement  
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JP 54-145283 is in Japanese. GB 2 008 116 is cited to serve as an English translation. A patent family search and an English abstract are also provided.

The Vitaminology II and Vitaminology Advancement articles disclose ascorbic acids which can be synthesized from precursors, for example, by the action of enzymes, and show specific examples schematically. The schematics in these articles have been translated into English.

The documents are being submitted within three (3) months of the filing of a Request for Continued Examination during the three-month period for which applicants requested suspension of action and paid the requisite fee. The Official Action issued December 13, 2005 was therefore issued prematurely and applicants requested on December 21, 2005 that the Action be rescinded and that an Action not be issued until the period of suspension of action expires, which will not occur until after the filing of this Information Disclosure Statement and enclosures. Therefore, it is believed that these papers are being filed before the first properly-issued Official Action on the merits and that no fee or statement is required, or if required is waived because of the improper premature issuance of the Official Action.

It is respectfully requested that the Examiner consider this statement and its enclosures and that an Examiner-initialed copy of the accompanying Form PTO-1449 be returned to the undersigned with the next official communication.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date January 11, 2006

By: Mary Katherine Baumeister  
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**Substitute for form 1449A/PTO & 1449B/PTO**

JAN 11 2005

**THIRD  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

**PATENT PAPER**

(use as many sheets as necessary)

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Substitute for form 1449A/PTO & 1449B/PTO		JAN 11 2006	Complete if Known	
<b>THIRD INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <small>(use as many sheets as necessary)</small>		 <b>Application Number</b> 10/076,418		
		<b>Filing Date</b> February 19, 2002		
		<b>First Named Inventor</b> Maria DALKO et al.		
		<b>Examiner Name</b> Ruth A. Davis		
		<b>Attorney Docket Number</b> 034459-003		
Sheet	1	of	1	

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	STATUS		
					IPER	Cited in Spec	Abstract
					Search Report	Eng Lang Summary	Partial Translation
					Translation		
	7-96166		JP	04-11-1995	X		
	8-133925		JP	05-28-1996	X		
	64-34293		JP	02-03-1989	X		X
	6-46870		JP	02-22-1994	X		X
	93/19192	A1	WO	09-30-1993			
	61-500201		JP	02-06-1986	X		X
	85/01745	A1	WO	04-25-1985			
	00/15827	A2	WO	03-23-2000			
	54-145283		JP	11-13-1979	X		X
	2 008 116	A	GB	05-31-1979			

## **NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Vitaminology II, Tokyo Kagaku Doujin, Inc.; November 1, 1980 1 <sup>st</sup> edition, pp 578-581, Tokyo, JP
	Vitaminology Advancement, Vitamin Society of Japan, February 25, 1960, 1 <sup>st</sup> edition, pp 113-117, Kyoto, JP

**Examiner Signature** \_\_\_\_\_ **Date Considered** \_\_\_\_\_

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.